



United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	07 C 6641	DATE	9/8/2008
CASE TITLE	Bolden vs. USA		

DOCKET ENTRY TEXT

Certificate of Appealability denied.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

On August 13, 2008, the court denied movant Emanuel Bolden's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255, finding that Bolden's sentence fell within the properly calculated Guidelines range. Bolden filed a Notice of Appeal with the Seventh Circuit on September 3, 2008. On September 4, 2008, the Seventh Circuit requested that this court determine whether a Certificate of Appealability should issue. The court notes that Bolden has only filed a Notice of Appeal. He has not yet moved the District Court for a Certificate of Appealability.

"A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "The certificate must identify at least one substantial constitutional question." Buie v. McAdory, 322 F.3d 980, 981 (7th Cir. 2003). In this case, Bolden has failed to identify any substantial constitutional question. The court therefore cannot grant Bolden a Certificate of Appealability.

Courtroom Deputy
Initials:

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